

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FAREED SEPEHRY-FARD,

Plaintiff,

v.

SELECT PORTFOLIO SERVICING, INC.,
et al.,

Defendants.

Case No.: 14-CV-05142-LHK

**ORDER TO SHOW CAUSE WHY
PLAINTIFF SHOULD NOT BE
DECLARED A VEXATIOUS LITIGANT**

On November 20, 2014, plaintiff Fareed Sepehry-Fard (“Plaintiff”) brought the instant lawsuit against defendants Select Portfolio Servicing, Inc., Countrywide Home Loans, Inc., The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders CWALT, Inc. Alternative Loan Trust 2005-62 Mortgage Pass-Through Certificates, Series 2005-62, and Mortgage Electronic Registration Systems, Inc. (collectively, “Defendants”). ECF No. 1. Plaintiff’s Complaint spans 120 pages and lists thirty-two causes of action. *Id.*

This is the ninth lawsuit Plaintiff has filed in this district since February 22, 2012; it is the sixth federal court lawsuit Plaintiff has filed in this district challenging the standing of his lenders and servicers to foreclose on two properties he owns in Saratoga, California; and it is the fourth

lawsuit, state or federal, Plaintiff has filed concerning the real property located at 18314 Baylor Avenue, Saratoga, California 95070. Plaintiff has not prevailed once.

In light of Plaintiff's pattern of filing voluminous, frivolous lawsuits in this district, the Court hereby ORDERS Plaintiff to show cause why the Court should not declare him a vexatious litigant. *See De Long v. Hennessey*, 912 F.2d 1144, 1147 (9th Cir. 1990) (requiring that a plaintiff be given notice and an opportunity to respond before a court declares that plaintiff a vexatious litigant); *Ou-Young v. Roberts*, No. C-13-4442 EMC, 2013 WL 6732118, at *7-11 (N.D. Cal. Dec. 20, 2013) (declaring plaintiff a vexatious litigant where he had "brought multiple lawsuits before multiple judges in this District, against various parties that are obviously immune from suit based on previously rejected theories, and has prolifically filed patently frivolous motions along the way"). Plaintiff shall do so by February 13, 2015, in a written filing not to exceed fifteen (15) pages in length. Defendants may file a single response not to exceed ten (10) pages in length by February 20, 2015. A hearing on this Order to Show Cause is hereby set for May 28, 2015, at 1:30 p.m.

Plaintiff's failure to comply with this Order shall result in a dismissal of this action with prejudice.

IT IS SO ORDERED.

Dated: January 30, 2015


LUCY H. KOH
United States District Judge